

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 USC §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 2-4, 6-8 and 10 and amended claims 1, 5 and 9 are in this application.

Claims 1-10 were rejected under 35 U.S.C. 102(e) as being anticipated by Rutkowski et al. (US Patent No. 6,198,442, of record).

Amended independent claim 1 now recites in part:

“An antenna apparatus for receiving or transmitting radio waves, comprising:
a pair of antennas having different resonant frequencies **which are relatively proximate to each other...**” (Underlining and bold added for emphasis.)

For at least the reasons herein below described, it is respectfully submitted that Rutkowski as applied by the Examiner (hereinafter, merely “Rutkowski”) does not disclose the above-mentioned feature of amended independent claim 1.

The antennas of amended independent claim 1 have frequencies that are relatively proximate or close to each other. Support for this feature is found at page 4, line 22 to page 5, line 1 and page 19, line 31 to page 20, line 12 of the present specification. Furthermore, page 15, lines 1-9 of the present specification provides an example of such “proximate” frequencies. As indicated thereat, such frequencies may be 1.95 GHz and 2.14 GHz. In contrast, the radiating elements (or antennas) of Rutkowski appear to operate in multiple “**widely separated** frequency bands.” (Emphasis ours.) (See column 2, lines 26-29, column 3, lines 3-8 and column 7, lines 36-

43). Accordingly, amended independent claim 1 is believed to be distinguishable from Rutkowski.

For reasons similar to those described above with regard to amended independent claim 1, amended independent claims 5 and 9 are believed to be distinguishable from Rutkowski.

Claims 2-4, 6-8 and 10 are dependent from one of amended independent claims 1, 5 and 9, and due to such dependency, are believed to be distinguishable from Rutkowski.

Applicants therefore, respectfully request that the rejection of claims 1-10 under 35 U.S.C. 102(e) be withdrawn.

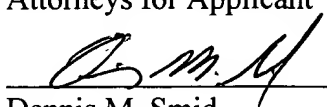
It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the Applicant's undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where, in the reference, there is the basis for a contrary view.

In view of the foregoing, entry of this amendment, favorable reconsideration and withdrawal of the rejection of claims 1-10 and the allowance of this application with claims 1-10 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By:


Dennis M. Smid
Reg. No. 34,930
(212) 588-0800